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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Stephen Eugene Mauer,) No. CV 11-8029-PCT-RCB (JRI)
10 Plaintiff,) **ORDER**
11 vs.)
12 Mohave County Sheriff, et al.,)
13 Defendants.)
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15 On February 15, 2011, Plaintiff Stephen Eugene Mauer filed a *pro se* Prisoner Civil
16 Rights Complaint pursuant to 42 U.S.C. § 1983 (Doc.1) and an “Application for *In Forma*
17 *Pauperis* Status” (Doc. 3).

18 **I. Status of Plaintiff’s Confinement**

19 It is unclear whether Plaintiff was confined when he filed this lawsuit—Plaintiff has
20 provided the Court with a non-prison address, but the statements in his Complaint suggest
21 that he is currently confined. The status of Plaintiff’s confinement is relevant because Local
22 Rule of Civil Procedure 3.4(a) requires in part that “[a]ll complaints and applications to
23 proceed in forma pauperis by incarcerated persons shall be signed and legibly written or
24 typewritten on forms approved by the Court and in accordance with the instructions provided
25 with the forms.” Neither Plaintiff’s Complaint nor his “Application for *In Forma Pauperis*
26 Status” is on a court-approved form for an incarcerated person. Thus, the Court will require
27 Plaintiff to submit, within 30 days, a filing entitled “Notice of Status of Confinement” that
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1 clearly indicates whether Plaintiff was confined when he filed his lawsuit, whether he is
2 currently confined, and, if he is currently confined, where he is confined.

3 **II. Complaint and Application are not signed**

4 All pleadings must be signed by the party if the party is not represented by an
5 attorney. Fed. R. Civ. P. 11(a) and LRCiv 3.4(a), 7.1(b)(1). An unsigned pleading must be
6 stricken unless omission of the signature is corrected promptly after being called to the
7 attention of the party. Fed. R. Civ. P. 11(a).

8 Plaintiff's Complaint and "Application for *In Forma Pauperis* Status" are unsigned.
9 Therefore, Plaintiff will be permitted 30 days from the filing date of this Order to submit a
10 completed and signed Certificate, using the Certificate form included with this Order,
11 certifying that Plaintiff's signature on the Certificate shall serve as an original signature on
12 his Complaint and "Application for *In Forma Pauperis* Status" for the purposes of Rule
13 3.4(a) of the Local Rules of Civil Procedure and Rule 11 of the Federal Rules of Civil
14 Procedure.

15 **III. Warnings**

16 **A. Address Changes**

17 Plaintiff must file and serve a notice of a change of address in accordance with Rule
18 83.3(d) of the Local Rules of Civil Procedure. Plaintiff must not include a motion for other
19 relief with a notice of change of address. Failure to comply may result in dismissal of this
20 action.

21 **B. Copies**

22 Plaintiff must submit an additional copy of every filing for use by the Court. See
23 LRCiv 5.4. Failure to comply may result in the filing being stricken without further notice
24 to Plaintiff.

25 **C. Possible Dismissal**

26 If Plaintiff fails to timely comply with every provision of this Order, including these
27 warnings, the Court may dismiss this action without further notice. Ferdik v. Bonzelet, 963
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1 F.2d 1258, 1260-61 (9th Cir. 1992) (a district court may dismiss an action for failure to
2 comply with any order of the Court).

3 **IT IS ORDERED:**

4 (1) Within 30 days of the date this Order is filed, Plaintiff must file a "Notice of
5 Status of Confinement" that clearly indicates whether Plaintiff was confined when he filed
6 his lawsuit, whether he is currently confined, and, if he is currently confined, where he is
7 confined.


8 (2) If Plaintiff fails to file, within 30 days, a Notice of Status of Confinement, as
9 required by this Order, the Clerk of Court must, without further notice, enter a judgment of
10 dismissal of this action without prejudice and without further notice to Plaintiff.

11 (3) Within 30 days of the date this Order is filed, Plaintiff must file a completed
12 and signed Certificate, using the Certificate form provided with this Order, certifying that
13 Plaintiff's signature on the Certificate shall serve as an original signature on his Complaint
14 and "Application for *In Forma Pauperis* Status" for the purposes Rule 3.4(a) of the Local
15 Rules of Civil Procedure and Rule 11 of the Federal Rules of Civil Procedure.

16 (4) If Plaintiff fails to file, within 30 days, a completed and signed Certificate on
17 the form provided with this Order, the Clerk of Court must strike Plaintiff's Complaint and
18 "Application for *In Forma Pauperis* Status" and enter a judgment of dismissal of this action
19 without prejudice and without further notice to Plaintiff.

20 (5) The Clerk of Court must mail Plaintiff a Certificate form.

21 DATED this 6th day of March, 2011.

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25 Robert C. Broomfield
26 Senior United States District Judge
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(Your Name and Address)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Stephen Eugene Mauer,

Plaintiff,

vs.

Mohave County Sheriff, et al.,

Defendants.

No. CV11-8029-PCT-RCB (JRI)

CERTIFICATE

I, Stephen Eugene Mauer, hereby certify:

I have read the *pro se* Complaint (Doc. 1) and “Application for *In Forma Pauperis* Status” (Doc. 3) filed by me on February 15, 2011, and to the best of my knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

(1) they are not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(2) the claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(3) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

1 (4) the denials of factual contentions are warranted on the
2 evidence or, if specifically so identified, are reasonably based on a
3 lack of information or belief.

4 I further certify that my signature on this document shall serve as an original
5 signature on the above-referenced Complaint and “Application for *In Forma Pauperis*
6 Status” for the purposes of Local Rule of Civil Procedure 3.4(a) and Rule 11 of the
7 Federal Rules of Civil Procedure.

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9 EXECUTED on this _____ day of _____, 2011.

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13 (Signature of Plaintiff)
14 Stephen Eugene Mauer
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